

REMARKS

Applicants provisionally elect to prosecute the claims of Group I with traverse.

In the Office Action, the claims have been restricted under 35 U.S.C. § 121 as follows:

Group I: Claims 1-13 and 26-36 drawn to a method of assembling a container; and

Group II: Claims 14-21, 22-25, and 37-48 drawn to a container.

The Office Action indicates that Groups I and II are related because Group I is a process of making the product claimed in Group II. However, the Examiner asserts that the process claimed in Group I can be used to make a materially different product, and therefore should be restricted.

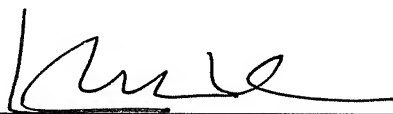
This restriction is respectfully traversed. The restriction requirement is improper because there is no undue burden on the Examiner in examining the claims in Groups I and II. The method recited in Group I includes the step of venting the air from the annular gap to atmospheric pressure during insertion of the inner tube within the outer tube (Claim 1). The claims in Group II recite that "the annular gap is vented to atmospheric pressure during assembly of the container" Since the claims in Group II use similar language as recited in Group I, there would be no undue burden on the Examiner to search both groups. Moreover, the search directed to either group would overlap any search directed to the other. For example, a search directed to the claims recited in Group I would involve searching for references that disclose venting air from the annular gap to atmospheric pressure. Likewise, a search of Group II would involve searching for references that also disclose venting air from the annular gap to atmospheric pressure.

Application No.: 10/771,679
Paper Dated: May 18, 2007
Response to Office Action dated March 26, 2007
Attorney Docket No. 3896-040076 (P-5974)

In view of the above remarks, withdrawal of the restriction requirement is respectfully solicited. Should the Examiner have any questions or would like to discuss this further, the Examiner is invited to contact the Applicants' undersigned representative by telephone at 412-471-8815.

Respectfully Submitted,

THE WEBB LAW FIRM

By 

Kirk M. Miles
Reg. No. 37,891
Attorney for Applicants
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
Telephone: (412) 471-8815
Facsimile: (412) 471-4094
E-mail: webblaw@webblaw.com